

THURSDAY, JANUARY 15, 2015

THIRD ORGANIZATIONAL DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Randy Kersey, Midway Church of Christ, Lawrenceburg, TN.

Representative Butt led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 94

Representatives present were Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Gilmore, Goins, Gravitt, Halford, Hardaway, Harrison, Hawk, Haynes, Hazlewood, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Van Huss, Weaver, White D., White M., Wilburn, Williams, Windle, Wirgau, Womick, Madam Speaker Harwell -- 94

PRESENT IN CHAMBER

Reps. DeBerry, Durham, Forgety and Turner were recorded as being present in the Chamber.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the following resolutions listed were introduced and held on the Clerk's desk pending the appointment of the appropriate standing committees:

House Joint Resolution No. 12 -- Memorials, Recognition - Childhood apraxia of speech awareness. by *Terry, *Harwell, *Holt.

House Joint Resolution No. 14 -- Naming and Designating - Designating the State of Tennessee as a Purple Heart State. by *Moody.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for January 16, 2015:

House Joint Resolution No. 17 -- Memorials, Personal Occasion - Peggy Joyce Strange Wimberly, 80th birthday. by *Travis.

House Joint Resolution No. 18 -- Memorials, Recognition - Beecher Smith. by *Travis.

House Joint Resolution No. 21 -- Memorials, Death - George Fisher. by *Pitts, Johnson, Reedy.

House Joint Resolution No. 22 -- Memorials, Professional Achievement - Nicole Castile, Milken Educator Award. by *Pitts, Johnson, Reedy.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 30** -- Highways, Roads and Bridges - As introduced, names a bridge on State Route 36 in the City of Kingsport in memory of Michael K. Locke. by *Hulsey.

***House Bill No. 31** -- Physicians and Surgeons - As introduced, deletes the Intractable Pain Act. - Amends TCA Title 39; Title 53; Title 63 and Title 68. by *Williams.

***House Bill No. 32** -- Sports - As introduced, enacts the "Sudden Cardiac Arrest Prevention Act." - Amends TCA Title 68. by *Todd.

***House Bill No. 33** -- Health Care - As introduced, requires that every newborn be tested for lysosomal storage disorders, including Krabbe, Fabry, Gaucher, Pompe, Hurler Syndrome, Niemann-Pick, and others as determined by the department of health as screenings for such become available. - Amends TCA Title 68, Chapter 5. by *Dunn.

***House Bill No. 34** -- Highways, Roads and Bridges - As introduced, designates Powell Drive in Knox County as a scenic highway. - Amends TCA Title 54, Chapter 17. by *Dunn.

***House Bill No. 35** -- Education - As introduced, permits an LEA that offers a voluntary prekindergarten program to elect to offer the program either in the school year or in the summer. - Amends TCA Title 49. by *Dunn.

***House Bill No. 36** -- Students - As introduced, removes the requirement that grading policies of local boards of education must include student scores in a TCAP subject area as part of the student's grade in that subject area; permits a local board to have such policy if it so

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desires. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 6. by *Dunn.

***House Bill No. 37** -- Education - As introduced, clarifies that the use of prone restraint is prohibited in regard to students receiving special education services; defines prone restraint. - Amends TCA Section 49-10-1305. by *Dunn.

***House Bill No. 38** -- Real Estate Agents and Brokers - As introduced, deletes the requirement that the executive director of the real estate commission pass the broker's examination. - Amends TCA Title 62, Chapter 13. by *Hulsey.

***House Bill No. 39** -- Criminal Offenses - As introduced, prohibits the retail sale of products containing dextromethorphan to persons who are less than 18 years of age; prohibits the purchase of products containing dextromethorphan by persons who are less than 18 years of age. - Amends TCA Title 39 and Title 53. by *Lamberth, *Ragan, *Powers, *Keisling, *Williams, *Casada, *Sexton C, *Travis, *Sargent, *Shepard.

***House Bill No. 40** -- Adoption - As introduced, includes adoption as a positive option in family life curriculum. - Amends TCA Title 49, Chapter 6, Part 13. by *Lamberth.

***House Bill No. 41** -- Bail, Bail Bonds - As introduced, removes provisions allowing judges or magistrates to waive the current 12-hour period during which a defendant charged with a domestic violence offense or an elder abuse offense cannot be released on bail. - Amends TCA Title 40, Chapter 11, Part 1. by *Lamberth.

***House Bill No. 42** -- Probation and Parole - As introduced, requires that a person convicted of vehicular assault or vehicular homicide serve a mandatory minimum sentence before being eligible for probation. - Amends TCA Title 39, Chapter 13, Part 2; Title 39, Chapter 13, Part 1 and Title 40, Chapter 35, Part 3. by *Lamberth.

House Bill No. 43 -- Recreational Areas - As introduced, requires a person who was involved in or caused a snow skiing accident to remain at the scene of the accident and provide the person's name and contact information, unless the person leaves for the sole purpose of securing aid for someone who was injured in the accident. - Amends TCA Title 68, Chapter 114. by *Carr , *Farmer.

House Bill No. 44 -- Traffic Safety - As introduced, elevates the offense of hit and run with a motor vehicle from a Class A misdemeanor to a Class E felony where the driver knew or should have known that the serious bodily injury resulted from the accident; allows the jury to infer that the driver knew or should have known death or bodily injury resulted from the accident if the person involved was a pedestrian or cyclist or other vulnerable user of the highway. - Amends TCA Title 55, Chapter 10, Part 1. by *Carr , *Farmer.

House Bill No. 45 -- Sentencing - As introduced, requires a person who commits aggravated vehicular homicide on or after July 1, 2015, to serve 85 percent of the sentence imposed before becoming release eligible; provided, however, that the person must serve at least 70 percent of the sentence imposed after sentence-reduction credits are applied. - Amends TCA Title 40, Chapter 35, Part 5. by *Carr , *Haynes, *Farmer.

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House Bill No. 46 -- Gatlinburg - As introduced, subject to local approval, amends the charter to remove certain budget requirements deemed by the legislative body to be obsolete, inconsistent with state law, or burdensome. - Amends Chapter 84 of the Private Acts of 1945; as amended. by *Carr , *Farmer.

***House Bill No. 47** -- Alcoholic Beverages - As introduced, increases maximum period of on-premises license suspension from 60 to 90 days for first violation of alcohol vaporizing device prohibitions. - Amends TCA Title 57. by *Swann.

House Bill No. 48 -- Taxes, Exemption and Credits - As introduced, beginning with calendar year 2016, requires the amounts of the Hall tax exemptions to be raised annually in accordance with inflation. - Amends TCA Title 67, Chapter 2. by *Swann.

***House Bill No. 49** -- Highways, Roads and Bridges - As introduced, names a new bridge on State Route 107 in the Town of Erwin in memory of Pat E. Brown. by *Holsclaw.

***House Bill No. 50** -- Real Estate Agents and Brokers - As introduced, prohibits the Tennessee real estate commission from requiring that a real estate broker continuing education course be longer than one hour. - Amends TCA Title 62, Chapter 13. by *Swann.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were held on the Clerk's desk pending appointment of appropriate standing committees:

***House Bill No. 16** -- Hospitals and Health Care Facilities -- Held On Desk

***House Bill No. 17** -- Taxes, Hotel Motel -- Held On Desk

***House Bill No. 18** -- Insurance, Health, Accident -- Held On Desk

***House Bill No. 19** -- Traffic Safety -- Held On Desk

House Bill No. 20 -- Local Government, General -- Held On Desk

House Bill No. 21 -- Special License Plates -- Held On Desk

***House Bill No. 22** -- Human Rights -- Held On Desk

***House Bill No. 23** -- Teachers, Principals and School Personnel -- Held On Desk

***House Bill No. 24** -- Economic and Community Development -- Held On Desk

***House Bill No. 25** -- Medical Occupations -- Held On Desk

***House Bill No. 26** -- Highways, Roads and Bridges -- Held On Desk

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***House Bill No. 27** -- Beer -- Held On Desk

House Bill No. 28 -- Highway Signs -- Held On Desk

***House Bill No. 29** -- Landlord and Tenant -- Held On Desk

CONSENT CALENDAR

House Joint Resolution No. 11 -- Memorials, Heroism - Jason Nelson. by *Gravitt, *McCormick, *Carter, *Favors.

House Joint Resolution No. 13 -- Memorials, Recognition - Fayette Academy student team Best In State in Verizon Innovative App Challenge. by *Wilburn.

House Joint Resolution No. 15 -- Memorials, Public Service - Stone Carr. by *Swann, *Ramsey.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Harrison, Hawk, Haynes, Hazlewood, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Wilburn, Williams, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

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Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on the **Consent Calendar** and have this statement entered in the Journal: Rep. J. Sexton.

RECESS MOTION

On motion of Caucus Chairmen Casada and Stewart the House stood in recess.

RECESS EXPIRED

The recess having expired, the House was called to order by Madam Speaker Harwell.

ROLL CALL DISPENSED

On motion of Rep. McCormick, the roll call was dispensed with.

UNFINISHED BUSINESS

REPORT FROM SELECT COMMITTEE

Representative McDaniel was recognized in the Well to report to the body that the Rules Committee Report would be withdrawn and that the Rules Committee would meet at 11:00 a.m. today to produce a new report.

ELECTION OF MEMBER TO FISCAL REVIEW COMMITTEE

In accordance with Tennessee Code Annotated 3-7-101, the election of the Fiscal Review Committee is required during the Organizational Session.

Speaker Harwell opened the floor for nominations.

Representative Casada nominated Representatives Lynn, Marsh, Sanderson, Travis, M. White, and Wirgau of the Republican Party; the nomination was properly seconded.

Representative Stewart nominated Representatives Gilmore, Shaw and Shepard of the Democratic Party; the nomination was properly seconded.

Representative McCormick moved that the nominations cease, which motion prevailed.

Speaker Harwell directed the Clerk to take the roll as follows:

Ayes	99
Noes.....	0

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Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Harrison, Hawk, Haynes, Hazlewood, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Wilburn, Williams, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

Speaker Harwell declared the members of the Fiscal Review Committee duly, legally and constitutionally elected.

ANNOUNCEMENTS

RECOGNITION IN THE WELL

Representative McCormick was recognized in the Well to welcome Rep. Hazlewood, who was sworn in Wednesday, January 14, 2015.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 11 Rep. Hazlewood as prime sponsor.

House Bill No. 10 Reps. Lollar and Reedy as prime sponsors.

ENGROSSED BILLS

January 15, 2015

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolutions Nos. 11, 13 and 15.

GREG GLASS, Chief Engrossing Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 99

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Representatives present were Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Harrison, Hawk, Haynes, Hazlewood, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Wilburn, Williams, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

RECESS

On motion of Rep. McCormick, pursuant to Senate Joint Resolution No. 18, the House stood in a brief recess to prepare for the Joint Convention to hear from John Allyn of the Bureau of Ethics and Campaign Finance for the purpose of fulfilling the ethics course requirement, at the conclusion of which, the House stood in recess until 9:00 a.m., Friday, January 16, 2015.

IN JOINT CONVENTION

ETHICS COURSE REQUIREMENT

The hour having arrived, set by Senate Joint Resolution No. 18, the House and Senate met in Joint Convention for the purpose of completing the Ethics Course requirement pursuant to Tennessee Code Annotated, Section 3-6-113.

Mr. President Ramsey called the Joint Convention to order at 10:00 a.m.

President Ramsey directed the Clerks of the respective bodies to call the roll as follows:

The Clerk of the Senate called the roll of the Senate with the following results:

Present.....33

The Clerk of the House took the roll with the following results:

Present.....99

Representatives present were Akbari, Alexander, Armstrong, Beck, Brooks H, Brooks K, Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Harrison, Hawk, Haynes, Hazlewood, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C Sexton J, Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D, White M, Wilburn, Williams, Windle, Wirgau, Womick, Madam Speaker Harwell -- 99

RESOLUTION READ

The Clerk of the Senate read Senate Joint Resolution No. 18 authorizing the Joint Convention.

RECOGNIZED IN THE WELL

Representative McCormick introduced Mr. John Allyn, Legal Counsel for the Bureau of Ethics and Campaign Finance of the Tennessee Registry of Election and Finance Commission in the Well for the presentation of the ethics course.

Mr. President Ramsey relinquished the Chair to Madam President Harwell.

Thereupon, the purpose for which the Joint Convention was called having been accomplished, Madam President Harwell declared the Joint Convention dissolved.